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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,754	05/10/2001	Craig Henry Becker	AUS920010288US1	5082
7590	08/05/2004		EXAMINER	
Duke W. Yee Carstens, Yee & Cahoon, LLP P.O. Box 802334 Dallas, TX 75380			GARG, YOGESH C	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/852,754	BECKER ET AL.	
Examiner	Art Unit		
	3625		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 10 May 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-3,12,15-17 and 25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-3,12,15-17 and 25 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date Aug 14, 2001.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

**DETAILED ACTION**

***Response to Amendment/Election/Restrictions***

1. Applicant's election of group Invention 1 without traverse, consisting of claims 1-3, 12, 15-17, and 25 received on May 28, 2004 is acknowledged and entered. Applicant has cancelled non-elected claims 4-11, 13-14, 18-24, and 26-27. Currently 1-3, 12, 15-17, and 25 are pending for examination.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 and 15-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "accepting a task for distributed computing" in line 3 of claim 1. Claim 1 does not show any relationship between this limitation and the rest of the limitations, " sending work units....data processing systems". The limitations, , " sending work units....data processing systems" stands alone to define the claimed invention and does not appear to require the step of accepting a task for distributed computing, until the accepted task is related to the claimed "work units" in the rest of the limitations. For the same reason claim 15

is also rejected. Since claims 2-3 and 16-17 are dependencies of claims 1 and 15, they also would inherit this deficiency.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.1. Claims 1-3, 12, 15-17 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Govett (US Patent 5,761,507).

Regarding claim 1, Govett teaches a method in a network data processing system for distributed computing (see at least abstract, and col.1, lines 9-13, “ *The present invention generally relates to distributed at a processing systems and networks.....*”), comprising:

accepting a task for distributed computing (see at least col.3, lines 21-23, “ *It is another object of the present invention to provide for timely and equitable processing of requests from a plurality of clients which may exceed the number of available servers.* “. Note: accepting requests from client for processing corresponds to accepting a task to be processes on distributed servers. Also see col.4, lines 59-65, “ *The RPC server is constructed by the software developer to perform a specific service[e.g. set o tasks].....* “ and col.6, lines 53-55, “ *...When a request is received, it is temporarily directed to request queue.....* ”);

sending work units to a plurality of data processing systems on a network, wherein each data processing system within the plurality of data processing systems includes a software for accepting a work unit, processing the work unit to generate a result, and returning the result (see at least col.6, line 10-col.9, line 25, “.....*Recalling that each server is essentially a software application which takes a finite amount of processing overhead to load..... When the transaction manager is started, server 1 is started under control of register 302. When a request is then received, it is temporarily directed to request queue 310 and, since server 1 has been started and is presumably available, switch 312 immediately directs the request to server 1 where the request is processed and the result returned to the client through network interface 300. .... a second request is received from the same or another client. The second request is placed in the request queue 310 ..... If a third request is then received from the same or another client .....The third request will then be advanced in the request queue 310 .....If a fourth request is received before the processing of the first or second request is completed, server 3 will be started in the same manner as discussed above. When processing of any request is completed and the result returned through network interface 300, the server becomes available to receive the next request (e.g. the third request) from the request queue. The server communicates the result of the request processing directly to the client as an incident of the request .....Further, many more connections may be established and maintained than may be sending requests to the server at any given time. ....* “ . Note: This segment in Govett discloses that requests, which correspond to work units as claimed, are sent to plurality of servers [correspond to plurality of data processing systems, as claimed] which generate and return the results to the clients [correspond to users, as claimed]. All the servers include a software to connect to the requests being sent and to process them to generate results and send them back.), wherein the software is monitored for compliance with an operation policy

requiring a connection to the network and allocating a period of time for processing work units; and receiving results from the plurality of data processing systems (see at least col.14, lines 6-22, “*.....controlling said server to communicate a result of said remote procedure call to said client in accordance with said connection handle and return said connection handle to said transaction manager .....* starting another server at said second data processor when the number of requests awaiting assignment of a server exceeds a configuration value.....including the further step of stopping an idle server at said second data processor after a time delay by unloading from said second data processor said application corresponding to said idle server..... wherein said time delay is set in accordance with an amount of time required for starting a server.

“. Note: controlling the servers with respect to starting them, stopping them and setting time delay to start a server satisfies the claimed limitation of monitoring the software in compliance with the policy of requiring a connection and allocating a period of time for processing work units. See also col.7, line 51-col.13, line 20).

Regarding claim 2, Govett teaches assigning each of the plurality of data processing systems to a different user (see at least col.5, lines 10-16, “*resulting in a substantially random order in which requests from different clients are processed* “. Note: as analyzed above clients correspond to users. Also see col.5, lines 46-53, “*... a plurality of clients...*”).

Regarding claim 3, Govett teaches that each data processing system within the plurality of data processing systems is in a different location (see at least col.1, lines 15-17, “*Data processing systems allowing communication between a plurality of data processors connected in a network have been known for many years. Early instances of such network systems generally involved communication between any of a plurality of terminals and a host processor*

*which maintained a central data storage facility and handled the retrieval of information therefrom. " and see FIG.2 and col.6, lines 2-9, ".....employing plural servers.....". Note: The plural servers, as disclosed in Govett, correspond to a plurality of data processing systems connected on a network with the Transaction Manager and these servers are in different locations.).*

Regarding system claim 12, the functional limitations are closely parallel to the limitations of claim 1 and are already covered and analyzed on the same basis as above. As regards, the structural elements; a communications unit connected to bus system, see FIGS. 1 and 2 is represented by the reference character "30" and as regards the bus system and memory are inherent elements as part of system 12 | FIGS. 1 and 2.

Regarding claims 15-17 and 25, the limitations are closely parallel to the limitations of claim 1 and are already covered and analyzed on the same basis as above.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patent 6,009,455, to Doyle, received with IDS, teaches sending work units in the form of segment packages to different data processing systems. These data processing systems include software to receive these segments and complete the assigned job of the received segments and then sending the results each segment and finally formatting the result (see at least abstract and col.6, line 17-col.7, line 45).

(ii) US Patent 5,675, 736, to Brady et al., discloses a multi-node network that employs distributed switching of inter-node communication links for handling and controlling data messages (see at least abstract and col.1, lines 10-15).

(ii) US Patent 6,397,244, to Morimoto et al., discloses a system comprising a multi-node network with plurality of data processing systems containing software programs to complete distributed data processing and being able to monitor said software programs to save error analysis information into a saving file(see at least abstract and col.1, line 15- col. 2, line 35).

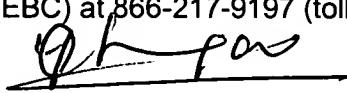
(iii) JP411338834A to Shinichi discloses a system which solves the problem of providing a parallel processing system with which data processing can be concurrently executed by a plurality of distributed plural computers (see abstract).

(iv) Nelson et al. ; " Performance analysis of Parallel Processing Systems"; IEEE Transactions on Software Engineering; New York; April 1988; Vol.14, Iss.4; pg.532, 9 pgs extracted the **Abstract** on Internet from Proquest database on 8/2/2004 discloses distributed processing of tasks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG  
August 2, 2004.